

REMARKS

I. Introduction

Applicant cancels claim 8 and adds new claims 52-57. Therefore, by this Amendment, claims 9-12 and 17-57 are pending in the application. Claims 24-47 are withdrawn from consideration and claims 8-12, 17-23 and 48-51 have been examined. Claims 9-12¹ and 20-23 contain allowable subject matter. Claims 8, 17-19 and 48-51, however, are rejected.

Specifically, claims 8, 17-19 and 48-49 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by newly applied Japanese Patent Publication No. JP 6-134983² (hereinafter the “’983 publication”). Furthermore, claims 50 and 51 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the ‘983 publication.

By way of overview, Applicant cancels claim 8, overcomes the art rejections of claims 17-19 and 48-51, and places claims 9-12, 20-23 and 52-57 in condition for allowance.

II. Response to Election Requirement

In response to Applicant’s Election with traverse of Species A (Figs. 4E and 7) as filed on November 21, 2003, the Examiner upholds the Election Requirement and makes it final (Office Action: page 2). Furthermore, the Examiner indicates that claims 40-47, as well as

¹ Applicant notes that the Examiner appears to have inadvertently omitted claims 9-12 from the Office Action Summary (Form PTOL-326), although these claims are referenced on page 5 of the Office Action.

² This reference was submitted with Applicant’s IDS filed on September 23, 2002.

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claims 24-39, read on non-elected Species B (*Id.*). Thus, the Examiner has withdrawn claims 24-47 from further consideration as directed to a non-elected species (*Id.*).

III. Statement of Substance of Interview

Applicant submits the following Statement of Substance of Interview in compliance with the requirements of 37 C.F.R. § 1.2 and 1.133, as well as MPEP § 713.04.

On September 29, 2004, Applicant's representative conducted an interview with Examiner Dexter Tugbang of the U.S. Patent Office. During the interview, claims 8, 17-19 and 48 were discussed.³ Additionally, the applied '983 publication was discussed.

Applicant's representative pointed out various distinguishing features in each of discussed claims 8, 17-19 and 48, relative to the '983 publication. The Examiner, after further clarifying his position with respect to the rejections of the discussed claims, suggested filing a formal response and amending the claims to further clarify the aforementioned distinguishing features. No other matters were discussed.

IV. Allowable Subject Matter

In the Office Action, the Examiner objects to claims 9-12, 22/17, 23/17, 22/18, 23/18, 22/19, 23/19, 23/20/19, 22/20/19, 22/21/19 and 23/21/19 as being dependent upon a rejected

³ The Interview Summary incorrectly references withdrawn claim 40 as a discussed claim.

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base claim, but acknowledges that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant rewrites claims 9, 20, 21, 22/17 (as new claim 52), 23/17 (as new claim 53), 22/18 (as new claim 54), 23/18 (as new claim 55), 22/19 (as new claim 56) and 23/19 (as new claim 57) in independent form, thereby placing claims 9-12, 20-23 and 52-57 in condition for immediate allowance.

V. Claim Rejections – 35 U.S.C. § 102(b)

As noted above, claims 8, 17-19 and 48-49 stand rejected under § 102(b) as allegedly being anticipated by the '983 publication.

A. Claim 8

Claim 8 is canceled.

B. Claim 17

Applicant amends claim 17 to further clarify that only one recess is formed for each unit area (defining the pressurizing chamber substrates), such that a plurality of pressurizing chambers are then formed in the recess.

The '983 publication fails to disclose or suggest the formation of only one recess in a pressurizing chamber substrate and then forming a plurality of pressurizing chambers in the recess. Consequently, it is respectfully submitted that claim 17 is not anticipated by the '983 publication.

C. Claim 18

Applicant amends claim 18 to further clarify that a recess is formed in an area of each of the pressurizing chamber substrates where the pressurizing chambers are to be formed, prior to forming the pressurizing chambers.

The '983 publication fails to disclose or suggest first forming a recess in a pressurizing chamber substrate before forming a plurality of pressurizing chambers in the area of the recess. Consequently, it is respectfully submitted that claim 18 is not anticipated by the '983 publication.

D. Claim 19

Applicant amends claim 19 to further clarify that for each of the pressurizing chamber substrates, only one recess is formed in the side of the pressurizing chamber substrate opposite to the side on which the pressurizing chambers are formed (in each unit area of the silicon monocrystalline substrate).

The '983 publication fails to disclose or suggest a pressurizing chamber substrate having only one recess formed on one side and a plurality of pressurizing chambers formed on the other side. Consequently, it is respectfully submitted that claim 19 is not anticipated by the '983 publication.

E. Claim 48

Applicant amends claim 48 to further clarify that only one recess is formed in a wafer, such that the wafer is partitioned into a plurality of unit areas and for each partitioned unit area, a plurality of pressurizing chambers are formed in that part of the recess corresponding to the partitioned unit area.

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The '983 publication fails to disclose or suggest the formation of a single recess in a wafer, such that a plurality of pressurizing chambers for each of a plurality of unit areas. Consequently, it is respectfully submitted that claim 48 is not anticipated by the '983 publication.

VI. Claim Rejections – 35 U.S.C. § 103(a)

As noted above, claims 50-51 stand rejected under § 103(a) as allegedly being unpatentable over the '983 publication. Since claims 50 and 51 each depend from claim 48, they are patentable over the '983 publication at least by virtue of their dependency.

VII. Formal Matters

A. Information Disclosure Statement

The Examiner provides a signed and initialed copy of the Form PTO/SB/08 submitted with Applicant's IDS filed on December 31, 2003, thereby indicating consideration of the references cited therein.

B. Claims

Claim 8 has been cancelled. Claim 9 has been rewritten to include the features of claim 8, including the clarifying non-limiting changes requested by the Examiner.

Furthermore, Applicant amends claims 17-18 and 48 to correct various typographical errors.


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VIII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Timothy P. Cremen
Registration No. 50,855

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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